

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION**

**IN RE: AQUEOUS FILM-
FORMING FOAMS PRODUCTS
LIABILITY LITIGATION**

MDL No. 2:18-mn-2873-RMG

This Document Relates to All Actions

**Order Regarding Supplementation of the Record and Documents Used at August 19, 2022
Oral Arguments**

On August 19, 2022, the Court held oral arguments on Defendants’ motion for summary judgment on the government contractor immunity defense. During the hearing the Court made various rulings which it formalizes here. The Court rules as follows:

1. On or before August 26, 2022, 3M shall file on the docket supplemental briefing regarding studies on PFOS, PFOA, and related chemistries: (a) listing what studies it produced to the EPA prior to 1998; (b) listing what studies it produced to the EPA from 1998 through 2000; and (c) listing what studies it produced to the EPA from 2001 to today. For each study identified, 3M shall provide the date the study was prepared, the date the study was first provided to the EPA, and the title of the study. On or before August 31, 2022, Plaintiffs may file a response to 3M’s supplemental briefing. All memoranda submitted to the Court in connection with the above shall be strictly limited as to whether or when a particular study was/was not disclosed to the EPA.
2. On or before August 24, 2022, the parties shall file on the docket copies of all visual aids presented to the Court during oral argument.
3. During oral argument Plaintiffs presented to the Court documents not previously part of the record—at a minimum “DL1878” which the Court marked as Plaintiff’s

Exhibit 1. On or before August 24, 2022, Plaintiffs shall file on the docket, numbered consecutively with exhibits submitted in prior briefing on the government contractor immunity defense, “DL1878” and any other documents presented to the Court but not previously entered into the record. Defendants shall file any objections to said newly filed exhibits on or before August 26, 2022.

AND IT IS SO ORDERED.

s/ Richard Mark Gergel
Richard Mark Gergel
United States District Judge

August 19, 2022
Charleston, South Carolina